
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Board of Education of Southfield Public Schools)	File No.: EB-FIELDNER-13-00009308
Licensee of FM Station WSHJ)	
)	NOV No.: V201432360014
Southfield, Michigan)	
)	Facility ID: 65449

NOTICE OF VIOLATION

Released: April 1, 2014

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to the Board of Education of Southfield Public Schools, licensee of FM Station WSHJ in Southfield, Michigan. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On September 19, 2013, and January 7, 2014, an agent of the Enforcement Bureau's Detroit Office inspected radio station WSHJ located in Southfield, Michigan and observed the following violations:

- a. 47 C.F.R. § 11.56: "Obligation to process [Common Alerting Protocol] CAP-formatted EAS messages. (a) On or by June 30, 2012 EAS participants must have deployed operational equipment that is capable of the following: (1) Acquiring EAS alert messages in accordance with the monitoring requirements in § 11.52(d)(2); (2) Converting EAS alert messages that have been formatted pursuant to the Organization for the Advancement of Structured Information Standards (OASIS) Common Alerting Protocol...." At the time of inspection on January 7, 2014, Station WSHJ did not have the required CAP-formatted EAS equipment.
- b. 47 C.F.R. § 11.61(b): "Tests of EAS Procedures. Entries shall be made in EAS Participant records, as specified in 11.35(a) and 11.54(a)(3)." At the time of inspection on January 7, 2014, Station WSHJ did not have any EAS

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

logs available and station personnel informed the agent that no EAS logs were being maintained.

- c. 47 C.F.R. § 73.1201(a)(2): “Broadcast station identification announcements shall be made: Hourly, as close to the hour as feasible, at a natural breaks in program offerings....” On September 19, 2013, and January 7, 2014, Station WSHJ failed to conduct the required station identification.
- d. 47 C.F.R. § 73.3527(a)(2): “Every permittee or licensee of an AM, FM, TV or Class A TV station in the non-commercial educational broadcast services shall maintain a public inspection file....” At the time of inspection on September 19, 2013, Station WSHJ did not have a public inspection file available.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to broadcast licensees.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, the Board of Education of Southfield Public Schools must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, (iii) must specify whether EAS CAP equipment has been installed or ordered and (iv) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

5. In accordance with Section 1.16 of the Rules, we direct the Board of Education of Southfield Public Schools to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Board of Education of Southfield Public Schools with personal knowledge of the representations provided in the Board of Education of Southfield Public Schools’ response, verifying the truth and accuracy of the information therein,⁵ and

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

Federal Communications Commission

confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Detroit Office
24897 Hathaway Street
Farmington Hills, Michigan 48335

7. This Notice shall be sent to the Board of Education of Southfield Public Schools at its address of record.

8. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit District Office
Northeast Region
Enforcement Bureau

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).